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EXAMINER

YOUNG, CHRISTOPHER G

ART UNIT	PAPER NUMBER
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1756

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/500,227	Applicant(s) SHINBORI ET AL.	
	Examiner Christopher G. Young	Art Unit 1756	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1, 2 and 4-8 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of copending Application No. 10/644,737. Although the conflicting claims are not identical, they are not patentably distinct from each other because an over-coating composition, and the basic method of utilizing the composition, that contains a water soluble polymer and a water soluble cross-linking agent having at least one nitrogen atom in its structure (the instant application) is encompassed by the over-coating composition, and the basic method of utilizing the composition, wherein the composition contains a polyvinyl alcohol and another water soluble polymer other than polyvinyl alcohol (the 10/644,737 application). A review of the dependent claims in each application shows a substantial overlap in the two different ingredients of the respective compositions. Specifically, refer to claim 2 of the co-pending application that recites "at least one member" of the recited group that includes urea polymers.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

3. Claims 1, 2 and 4-8 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of copending Application No. 10/471,772. Although the conflicting claims are not identical, they are not patentably distinct from each other because an over-coating composition, and the basic method of utilizing the composition, that contains a water soluble polymer and a water soluble cross-linking agent having at least one nitrogen atom in its structure (the instant application) is encompassed by the over-coating composition, and the basic method of utilizing the composition, wherein the composition contains a water soluble polymer and a surfactant (the 10/471,772 application). A review of the compounds that fall within each category of the respective compositions shows that there is substantial overlap between the water soluble polymer of the instant application and the surfactant of 10/471,772, while the cross-linking agent of the instant application overlaps with the water-soluble polymer of 10/471,772.

Additionally, refer to claim 4 of the co-pending application that recites “at least one member” of the recited group that includes urea polymers. The argument that the instant claims do not require the surfactant of the co-pending application is not persuasive since ODP is a one-way test, and the co-pending application claims clearly encompass the scope of the claims in the instant application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2 and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chun, US Patent Number 6,486,058.

The instant application is drawn to a method of forming fine patterns comprising: covering a substrate having photo resist patterns thereon made of a photo resist, with an over-coating agent for forming fine patterns, applying heat treatment to cause thermal shrinkage of the over-coating agent so that the spacing between adjacent photo resist patterns is lessened by the resulting thermal shrinking action, and removing the over-coating agent substantially completely. The over-coating composition contains a water soluble polymer and a water soluble crosslinking agent having at least one nitrogen atom in its structure.

Chun discloses a method of forming a photoresist pattern defining a contact hole. A photoresist pattern that defines an opening there through is provided over a semiconductor substrate surface. Then, a layer of water-soluble organic over-coating material (WASOOM) is coated over the photoresist pattern including the opening thereof. Next, the resulting structure is flowed to shrink the size of the opening. After the resist reflow, WASOOM is removed. Thus, using the methods of the present invention, a photoresist pattern capable of forming a

0.18 μm (and below) contact hole can be formed using an inexpensive conventional optical lithography system. Further, because WASOOM is water-soluble, WASOOM can be substantially completely removed from the photoresist pattern using a simple cleaning process, i.e., water rinse, after baking for resist reflow. Thus, the process steps are simplified and the problems such as the difficulty in CD control and the environmental issues are avoided.

Referring to FIG. 3, an insulating layer 22 is formed on the surface of semiconductor substrate 24. Next, to form a photoresist pattern defining a contact hole, a photoresist layer 26, for example, an i-line, KrF or ArF photoresist layer is formed on the insulating layer 22. Then, the photoresist layer 26 is selectively exposed through a photomask (not shown). The exposure of photoresist layer 26 can be performed by ultraviolet (UV) light, i-line, deep UV (D-UV), extreme-UV (E-UV), e-beam, or x-ray. Further, the photoresist layer 26 is developed to form a photoresist pattern 26' using a developing solution such as one containing 2.38 tetramethylammonium hydride (TMAH). As a result, a photoresist pattern 26' that defines an opening 28 therethrough is provided over the insulating layer 22.

Subsequently, a resist-reflow buffer layer 30 is coated over the photoresist pattern 26' including the opening 28 thereof to fill the opening. The resist-reflow buffer layer 30 is preferably coated to a thickness of approximately 2000 \AA as indicated by dimension T in FIG. 3. In the present invention, the resist-reflow buffer layer 30 is formed of a water-soluble organic over-coating material (WASOOM).

Following the coating of WASOOM, the resulting structure is resist-reflowed to shrink the size of the opening 28. The resist reflow is performed by heat treatment techniques, e.g., baking. This step of baking for contact hole shrinking is preferably performed at a temperature

of approximately 50-200.degree. C. More preferably, the baking for contact hole shrinking is performed at a temperature of approximately 150-170.degree. C. Most preferably, the baking is performed at 165.degree. C. because it is discovered that there is no iso-dense bias at that temperature. Also, the baking is preferably performed for less than approximately five minutes.

After the resist reflow, WASOOM is removed. Particularly, WASOOM can be almost completely removed by rinsing the resulting structure with a hydrophilic developing solution. Thus, substantially no undesirable reactants are left on the side walls of the photoresist pattern 26". Preferably, the hydrophilic solution can be D1 water, TMAH-containing solution, alkyl alcohol, or mixtures thereof.

Chun clearly describes, teaches and suggests the claimed embodiments of claims 1-8, with the exception of the claimed combination for the over-coating composition, and some of the specific ranges set forth in the dependent claims.

It is held that it is prima facie obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third composition to be used for the very same purpose.

It is held that it is not inventive to discover the optimum or workable ranges of result-effective variables by routine experimentation. In re Antonie, 559 F.2d 618, 195 USPQ 6 (CCPA 1977). See also In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

It is held that concentration limitations are obvious absent a showing of criticality. Azko v. E.I Du Pont de Nemours 1 USPQ 2d 1704 (Fed. Cir. 1987).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have determined the optimum values of the relevant concentration parameters in Chun through routine experimentation in the absence of a showing of criticality.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a combination of a water soluble polymer and a water soluble crosslinking agent having at least one nitrogen atom in its structure as the aqueous coating solution of Chun with the expectation of providing the desired reduction of dimensions of a resist pattern on a substrate, since Chun teaches that each of them can be used for the same purpose.

Response to Arguments

6. Applicant's arguments filed December 22, 2005 have been fully considered but they are not persuasive. Column 3, line 61, through column 4, line 5, clearly show water soluble polymers that can be used as a mixture. This list includes the "crosslinking agents" as claimed. Based on this, the prior art reference still renders the scope of the claims prima facie obvious.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher G. Young whose telephone number is 571-272-1394. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 571-272-1385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher G. Young
Primary Examiner
Art Unit 1756